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The author takes up also the multifarious duties of consular officers. He emphasizes the dangers to which the service has been exposed from the practice of making purely political appointments. It is his opinion that while the president through executive orders might reform the system requiring competitive examinations for entrance, and basing advancement upon efficient service, a permanent improvement in the service can be effected only by law. Recent executive orders have indeed been directed toward the above purpose, but the principle of competitive examinations has not yet been introduced. The author does not discuss the relations between consuls and diplomats. The lack of coöperation and the friction engendered by social jealousy have indeed been a serious detriment to our foreign service. It is almost a truism that the two branches of the service ought to coöperate; and it is difficult to understand why it is just in the service of the United States that the most invidious social distinctions have maintained themselves.

The discussion of the making and termination of treaties is valuable, and new light is shed upon the difficult problem of compacts made by mere executive agreement. The author points out that it has never been attempted to bind the United States to the payment of damages by such means, and that their use has in fact been frequently ratified by subsequent, or authorized by previous, treaties.

PAUL S. REINSCH.

The International Law and Diplomacy of the Russo-Japanese War.

By AMOS S. HERSHEY, Ph.D., professor of political science and international law in Indiana University. (New York: The Macmillan Company; London: Macmillan and Company, Ltd. 1906. Pp. xii + 394.)

This volume deals largely with the new and unsettled questions raised during the Russo-Japanese War, the first conflict of long duration fought under modern conditions of naval warfare. It begins with an introductory chapter on the Causes of the War and closes with a chapter on the Treaty of Portsmouth; the twelve intervening chapters deal with questions relating to the use of wireless telegraphy and submarine mines, contraband, the seizure of neutral merchantmen, the alleged right of sinking neutral prizes, the voyage of the Baltic squadron, the status of Korea and China, the efforts of the United States to preserve Chinese neutrality, the Russian and Japanese rules of warfare,

and the relations of the belligerents with each other. The topic which claims most attention is the rights and duties of neutrals, a division of international law demanding thorough revision and enlargement as is shown by the amount of space given it on the program of the second Hague peace conference.

Dr. Hershey's book is not the first work dealing with the problems presented by the war between Russia and Japan: Lawrence's *War and Neutrality in the Far East*, which appeared soon after the war began, though an able discussion of the general principles involved and of the earlier incidents of the conflict, was of necessity a forecast rather than a discussion of facts; Smith and Sibley's *International Law as Interpreted During the Russo-Japanese War*, on the other hand, while attempting to treat all the questions at issue, was put together too hastily and published too soon after the war to be very satisfactory, based, as it was, on press dispatches and other undigested material. Although much of Dr. Hershey's material is likewise drawn from newspapers, such as the *London Times*, the *New York Times*, the *Washington Post*, and the *Chicago Tribune*, he has had access to published documents and the great majority of his quotations are drawn from official sources. His book is consequently of more permanent value and more authoritative.

The author is a champion of legality and an earnest advocate of international arbitration; his views are liberal, progressive, and thoroughly American; they would be considered idealistic by some of the European publicists. His treatment is in the main fair and impartial. Germany and France come in for a share of criticism; the former for failure to prevent the sale to Russia of vessels belonging to the auxiliary navy, and the latter for assistance rendered the Baltic fleet. As to the conduct of the two belligerents, about which there was so much ill-considered criticism, the following conclusion is reached: "While there were a considerable number of alleged violations of the rules of civilized warfare, especially on the part of Russia, these rules were on the whole fairly well observed by both belligerents. The violations, even when proven, were wholly exceptional and were comparatively few in number and of minor importance considering the duration of the war and the magnitude and vigor of military operations. In this respect this war ranks perhaps as high as any in history with the possible exception of the Spanish-American War."

The style is direct and remarkably free from obscurity. Footnotes and references occupy a large amount of space. Of the latter some are not as specific as they might be, such as "*House Doc.* of the 58th Con-

gress, 3d session (For. Rel.)," which occurs frequently. The volume is the result of indefatigable labor in the collection and verification of facts, and while many of the conclusions are necessarily tentative, as far as they go they appear to be sound.

JOHN HOLLADAY LATANÉ.

De La Situation Légale des Sujets Ottomans Non-Musulmans. By COUNT F. VAN DEN STEEN DE JEHAY. (Brussels: Oscar Schepens & Co. 1906. Pp. 555.)

The present population of the Ottoman empire, excluding vassal states, like Egypt, under the administration of a foreign power, may be placed at 24,000,000. About one-quarter are not members of the Islamic faith at all, yet notwithstanding the strictly religious basis of the Moslem state, enjoy certain privileges conceded either by reason of the fact that their religion is "recognized" by the sovereign, or by reason of their occupancy of a territory administered under a special form of government.

It thus occurs that peoples of many races, of different religions and presenting a heterogeneous social scheme have been united by the course of historic events under one government. Though in close contact with the Mussulman subjects of the empire in their everyday life, the régime under which they live is separate and distinct not only in respect of their religious rights and obligations but also in respect of their political, social and civil legal status.

The reason for this is not far to seek, for, as is well-known, Mahomet II, after the conquest of Constantinople, did not attempt to apply the law Mussulman to his conquered subjects. To the faithful, the Koran was not only supreme in matters of religion, but was also supposed to cover the whole field of *civil* rights and obligations. It applied *only* to the faithful and all others were excluded from its operation. At first this resulted in the formation of only two groups within the empire, viz: believers and infidels. The sultans, however, led by the force of events, gradually came to recognize the differences of faith, religious rites, and civil status existing among the non-Mussulman class of the population and with a tolerance to which the present author pays adequate tribute, have established many communities or *millets*, each with its own civil laws and its own governing body and having a patriarchal minister to act as its representative in its official relations with the Sublime Porte.